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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,833	05/01/2006	Herbert Peusens	PD030102	6220

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EXAMINER

HANNON, CHRISTIAN A

ART UNIT	PAPER NUMBER
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2618

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,833	Applicant(s) PEUSENS ET AL.	
	Examiner CHRISTIAN A. HANNON	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loke (US 6,311,048) in view of Fajen et al (US 5,517,688), hereinafter Fajen.

Regarding claims 1 and 6, Loke teaches an RF-circuit and method therefor including an amplifier and a controllable mixer (see figure 1, items 108 and 110; Loke), where an oscillator signal and an input signal are supplied to the mixer (see figure 1, "Local Oscillator" and input from item 108; Loke), wherein the input signal comprises a useful signal and further signals (Column 1, Lines 40-41, Loke discloses that received signals contain more than just the useful part but also noise), and wherein an output signal is produced as an output of the mixer (Figure 1, output of item 110 [right side of mixer]), wherein a controller is provided (Figure 1, Item 112; Loke), which applies a control signal to the mixer as a function of the signal quality of the demodulated output signal (Line from item 112 to mixer item 110 of figure 1; Loke), wherein the operating point of the at least one mixing transistor can be set by means of the control signal (Column 2, Lines 10-15; Column 3, Lines 30-37; Loke), in which case the intermodulation immunity and/or the noise in the output signal can be varied as a function of the operating point of the mixer (Column 3, Lines 19-29; Loke), wherein a

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controllable portion of the overall gain of the RF-circuit is determined by the operating point of the at least one mixer (Column 4, Lines 13-27; Loke discloses a test for overall system gain dependent on the operating point of the mixer channel). However Loke fails to explicitly disclose that the controllable mixer has at least one mixing transistor. Fajen discloses a controllable mixer comprised of at least one mixing transistor (Figure 1, item 20; Fajen). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the mixer architecture of Fajen into the receiver of Loke, as Loke does not specifically provide for the implementation of the circuit level mixer design, and therefore one of ordinary skill in the art would look to any art-recognized equivalent structure, such as the one disclosed by Fajen.

Regarding claim 2, Loke and Fajen disclose the controllable mixer according to Claim 1, wherein a demodulator which is connected downstream from the mixer, and an evaluation circuit are provided for assessment of the signal quality of the demodulated output signal (demodulator item 116 of figure 1 of Loke and evaluation circuit 118 of figure 1 of Loke).

Regarding claims 3 and 7, Loke and Fajen disclose the controllable mixer and method therefor according to Claims 2 and 6, wherein the evaluation circuit assesses the error rate of a digitally coded signal (Loke discloses known CDMA baseband processing functions, one of which is error rate; Column 3, Lines 2-3).

Regarding claims 4 and 8, Loke and Fajen disclose the controllable mixer and method therefor according Claims 1 and 6, wherein a memory is provided for recording

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initial values, on the basis of which the signal quality can be assessed and optimized (see Loke Column 3, Lines 38-43).

Regarding claim 5, Loke and Fajen disclose the controllable mixer and method therefor according to Claims 4 and 9, wherein the initial values comprise information about a desired minimum signal quality, the symbol rate, the code rate, and/or the modulation method, and optimization routines for reception optimization can be selected as a function of the initial values (Column 4, Lines 13-27; Loke).

Regarding claim 9, Loke and Fajen disclose the method of claim 8, wherein different initial values and/or optimization routines are selected for different modulation methods, code rates and/or symbol rates, Loke discloses for CDMA test values may be selected accordingly (Column 3, Lines 1-13; Column 4, Lines 13-27; Loke).

Response to Arguments

3. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ciccarelli et al (US 6,498,926) disclose a programmable linear receiver having a variable IIP3 point.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTIAN A. HANNON whose telephone number is (571)272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. A. H./
Examiner, Art Unit 2618
June 2, 2009

/Edward Urban/
Supervisory Patent Examiner, Art Unit 2618